IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1268 OF 2004
IN
SUIT NO.2578 OF 1995

Chandulal Premchand Abhani & Anr.. Plaintiffs

Vs.

Praful Anantrai Kothari & Ors .. Defendants

And

Siddhanath B.Shukla .. Applicant

And

Firoz Patanwala .. Respondent

Mr.K.Jain i/b G.R.Mehta for the plaintiff no.2

Mr.Bipin Joshi for the applicant

CORAM : S.U.KAMDAR, J

DATED : 25TH APRIL 2005

P.C.:

. The present chamber summons is taken out to grant leave to execute decree against plaintiffs and defendants and partners of M/s.P.D.Silk Mills. The decree has been passed by the Small Causes Court on 7.6.99 i.e. Mr.Firoz Patanwala in R.A.E. & R. Suit No. 901 of 2095 of 1992. The said decree is already executed. By this Chamber

Summons the applicant is seeking post-facto leave to execute the decree. Both the parties to the proceedings have informed me that the appeal against the said decree is pending before the Appealate bench of the Small Causes Court being Appeal No.336 of 2001. It is made clear that the chamber summons is granted subject to the fact that the present order shall abide by the final outcome of the said appeal and if the appellant succeeds in the said appeal then this order will not come in his way to claim back possession of the said premises from the applicant herein. Small Causes Corut is directed to decide the matter on its own merits and without taking into consideration the order passed in the present chamber summons.